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Dated: May 15, 2002

Signature: Shawn P. Foley

(Shawn P. Foley)

#2P  
Docket No.: ICON 3.3-002  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Klimyuk et al.

Application No.: 10/030,793

Group Art Unit: N/A

Filed: January 11, 2002

Examiner: Not Yet Assigned

For: METHOD OF MAKING PLANT ARTIFICIAL  
CHROMOSOMES

**RESPONSE**

**Box PCT**  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is in response to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), mailed March 15, 2002. The Notification requests Applicants to submit a Sequence Listing with respect to the nucleotide sequences contained in the captioned patent application.

Applicants respectfully submit that no such sequence listing is necessary in connection with the captioned patent application. Each of the three nucleotide sequences disclosed on pages 22 and 23 of the patent specification contains seven nucleotides. The Rules require the submission of sequence listings only for sequences of ten or more nucleotides. See, 37 CFR §1.821(a). Accordingly, reconsideration and withdrawal of the requirement are respectfully requested.

Dated: May 15, 2002

Respectfully submitted,

By Shawn P. Foley  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 901  
 United States Patent and Trademark Office  
 Washington, D.C. 20235  
 www.uspto.gov

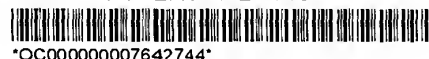
U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY DOCKET NO.
10/030,793	Victor Klimyuk	ICON-002

Shawn P Foley  
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*Due  
 15 MAY 2002  
 SPF*

INTERNATIONAL APPLICATION NO.	
PCT/US00/21461	
LA FILING DATE	PRIORITY DATE
08/07/2000	08/05/1999

CONFIRMATION NO. 4086  
 371 FORMALITIES LETTER



\*OC000000007642744\*

Date Mailed: 03/15/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

RECEIVED

MAR 22 2002

LDLK&M

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the

requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
  - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
  - APPLICANT MUST PROVIDE:
    - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
    - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
    - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
- For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY DOCKET NO.
10/030,793	PCT/USOO/21461	ICON-002